

in which they are deposited, let us tell to our children that those who perished in their defense died not in pursuit of Military Glory, but to preserve the blessings of liberty, and to secure the rights of Freemen to their descendants.

I have also the gratification of presenting to you, in the name of officers and men of the Texas Rangers commanded by Colonel, now General John A. Wharton, the Regimental Colors of the 3rd Minnesota Mounted Volunteers captured by them at Murfreesborough, Tennessee.

Another Flag was wrested from the enemy near Bardstown, Kentucky, by Sergeant Eugene Herndon of the same gallant corps on which occasion the Rangers defeated 4 regiments of Federal Cavalry stationed to capture them, and for which brilliant feat they were highly complimented by General [Leonidas] Polk in general orders. I regret to say the trophy has failed to reach me.

Very Respectfully,
F. R. Lubbock

On Mr. Ford's motion the Sergeant-at-Arms was instructed to unfurl the flags. The President instructed the Secretary to return the message to the House in accordance with their request.

Mr. Harcourt moved the appointment of a committee of three to act in conjunction with a like committee to be appointed by the House to take such action upon the message and make such disposition of the flags as they might deem appropriate. Messrs. Harcourt, Parsons, and Quayle were appointed the committee.

The question on the appeal from the President's decision was then taken up:

"Shall the decision of the Chair be the decision of the Senate?" Whereupon there was a tie vote when the President announced the appeal lost.

The Senate then adjourned until 10 o'clock A. M. tomorrow.

Wednesday, February 11, 1863
10 o'clock A. M.

Senate met—prayer by the Chaplain—roll called—quorum present. Journal of yesterday was read and adopted.

Mr. Batte, Chairman of the Committee on Agriculture, reported a Bill restricting the planting and cultivation of

cotton in this state for the year 1863, which had been referred to that Committee and recommended that it do not pass.

Mr. Harcourt, Chairman of Judiciary Committee, made the following report on the contested election between S. H. Darden and Honorable Spencer Ford: [This report cannot be located].

Mr. Cooper from the Committee on the Penitentiary made the following report: "The committee to whom was referred the resolution and amendment in regard to the duties, powers, etc., of the Joint Committee raised for the purpose of examining into the condition of the Penitentiary have had the same under consideration and beg leave to report the following as their action and recommend that it be adopted:

"Resolved, the House concurring, That the Joint Committee appointed to examine into the condition of the Penitentiary shall enter upon the discharge of their duties immediately, that in the performance of their duties they shall have power to send for persons and papers, shall have their travelling expenses paid out of the Contingent Fund and receive their *per diem* pay for this service, and that after the adjournment of the Legislature they have leave to adjourn to the town of Huntsville and there conclude their investigations and make their final report to His Excellency the Governor and have it published."

A message from the House announced the appointment of Messrs. Flewellen, Cone, and Foote a committee to act in conjunction with the Senate committee on the Governor's special message presenting battle flags etc.

Mr. Beasley moved to raise a committee on public buildings. Carried.

Mr. Cooper offered the following resolution: **"Resolved,** That the Committee on Military Affairs be and they are hereby instructed to inquire into the expediency of paying the Texas State Troops recently called into the field by the Governor through orders of the Confederate General Commanding this Military District for their services from the time they were mustered into service until disbanded by General Magruder, and report by bill or otherwise." Adopted.

Mr. Beasley offered the following: **"Resolved,** That the Judiciary Committee be instructed to inquire into the ex-

pediency of passing a law disfranchising and confiscating the property of deserters and report by bill or otherwise." Adopted.

Mr. Dickson offered the following: "**Resolved**, That the Committee on Finance consider the propriety of levying a tax on specie payable in kind and report as may seem best." Adopted.

Mr. Lea moved to add Mr. Dickson and Mr. Guinn to Finance Committee. Carried. Mr. Boyd introduced a Bill supplementary to the 9th Section of an Act regulating estates of deceased persons approved March 20, 1848. Read 1st and 2nd times and referred to Judiciary Committee.

The Committee on the Judiciary through their chairman, Mr. Harcourt, to whom was referred a Bill to punish certain offences therein named reported a substitute therefor and recommended its adoption and passage.

Mr. Hartley offered the following: "**Resolved**, That the resolution passed by the Senate on the 6th instant excluding private bills from the consideration of the Senate without the consent of three-fourths of the members thereof present be and the same is hereby rescinded. Laid on the table one day for consideration.

ORDERS OF THE DAY

Joint Resolution from the House on the subject of raising corn and other breadstuffs. Read 1st and 2nd times and referred to Committee on State Affairs.

Senate Joint Resolution requesting the President to place General Price in command of the Trans-Mississippi department and to send the Texas troops west of the Mississippi river on report of Committee on Military Affairs. Read 2nd time.

Mr. Quayle moved to strike out all of the resolution relative to removing all of the Texas troops west of the Mississippi river.

Mr. Hartley offered a substitute for the resolution and proposed amendment, all of which he moved to rerefer to Committee on Military Affairs.

Mr. [Edward R.] Hord, Senator elect from the 32nd Senatorial District to fill the vacancy occasioned by the death of Mr. [E. B.] Scarborough, presented his credentials, took the oath of office, and his seat.

On motion the report of Judiciary Committee made this morning in the case of contest between S. H. Darden

and Honorable Spencer Ford for the seat as Senator from the 25th Senatorial District was taken up. Mr. Maxey moved its adoption. Mr. White asked to be excused from voting which being granted the report was adopted.

The Senate then adjourned until 10 o'clock tomorrow.

Thursday, February 12, 1863
10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. Journal of yesterday was read and adopted.

Mr. Lea introduced a Bill to require District Attorneys to report to the Comptroller's office in certain cases. Read 1st time.

Mr. Reed introduced a Bill to attach the County of Kendall to a Senatorial and Representative District. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn introduced a bill to regulate the prices of articles of prime necessity. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Guinn also introduced a Bill to put down speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price and sale of certain articles therein named. Read 1st and 2nd times. Mr. Hartley moved to refer the bill to Judiciary Committee. Lost. It was then referred to Committee on State Affairs.

Mr. Maxey introduced a Bill to amend Article 21, title 7, of the Code of Criminal Procedure. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Wheeler introduced a Bill to suspend all laws in relation to estrays. Read 1st and 2nd times and referred to Judiciary Committee.

The President announced as a committee on the part of the Senate on the Penitentiary Messrs. Lea and Guinn; Committee on Public Buildings, Messrs. Beasley, Moore of Bastrop, and Burney.

The Resolution requesting the Governor to furnish certain information relative to sale of bonds, etc., etc., offered by Mr. Selman on a previous day was adopted.

Joint Resolution approving the President's proclamation. Read 2nd time. Mr. Hartley moved to amend the caption by inserting after "Proclamation" the words "of